

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

February 18, 2009

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 07-20687

Conference Calendar  
\_\_\_\_\_

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RICARDO BONILLA-MATEO, also known as Jose Martinez, also known as Ricardo Reyes, also known as Jose Mexilla, also known as Milton Sunega, also known as Jarson Diaz Lopez, also known as Ricardo Mateo Bonilla, also known as Jose Mandando, also known as Jose Alvarado Reyes, also known as Jose Ricardo Reyes, also known as Milton Reyes Zuniga, also known as Ricardo Mateo, also known as Ricardo Bonilla

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:07-CR-35-1  
\_\_\_\_\_

Before HIGGINBOTHAM, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Ricardo Bonilla-Mateo asks us to direct the district court to correct his judgment of conviction under Federal Rule of Criminal Procedure 36 to reflect that he was convicted under 8 U.S.C. § 1326 of knowing and unlawful presence

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

in the United States after deportation following conviction for an aggravated felony. Section 1326 is entitled “[r]eentry of removed aliens.” The judgment describes the offense as “[i]llegal reentry into the United States after deportation following conviction for aggravated felony.”

Rule 36 authorizes the correction of clerical errors, which exist when “the court intended one thing but by merely clerical mistake or oversight did another.” *United States v. Steen*, 55 F.3d 1022, 1026 n.3 (5th Cir. 1995) (internal quotation marks and citations omitted). Because the description of the offense closely tracks the title of § 1326, there is no indication of mistake or oversight. Rather, it appears that the district court intentionally used the phrase “[i]llegal reentry” to refer to § 1326 generally. *See United States v. Buendia-Rangel*, 553 F.3d 378, 379 (5th Cir. 2008). Therefore, there is no clerical error, and the judgment of the district court is AFFIRMED.